

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION
IN ADMIRALTY**

Tiffany N. Provence, as the Personal)	
Representative of the Estate of Juan)	
Antonio Villalobos Hernandez,)	
)	C/A No.: 2:21-cv-965-RMG
Plaintiff,)	
)	
v.)	ORDER APPROVING SETTLEMENT
)	
United States of America, <i>et al.</i> ,)	
)	
Defendants.)	
)	

Before the Court is a motion for approval of settlement involving a wrongful death action against Detyens Shipyards, Inc. and Hightrak Staffing, Inc. d/b/a HiTrak Staffing, Inc., pursuant to S.C. Code Ann. § 15-51-42 filed by Petitioner Tiffany N. Provence, as Personal Representative of the Estate of Juan Antonio Villalobos Hernandez (“Decedent”). (Dkt. No. 88).

This action involves a wrongful death claim on behalf of Decedent. Decedent was killed while performing repairs on a vessel at Detyens Shipyards in Charleston County, South Carolina. (Dkt. No. 88 at 2).

Petitioner filed her renewed petition for settlement on May 1, 2023. (Dkt. No. 88). The statutory beneficiaries of this action are Edith Hernandez Elias, Edgar Ricardo Villalobos Hernandez, and Francisco Javier Villalobos Hernandez. (*Id.* at 3); S.C. Code Ann. § 15-51-20.

The Court conducted an in-person hearing on May 26, 2023, which was attended by all parties and during which the proposed terms of the settlement were discussed. These proposed terms include:

1. A gross settlement figure of \$350,000;

2. Attorney's fees of \$105,000 pursuant to a 30% contingency fee arrangement to be divided evenly between Duffy & Young and Warder Law Firm, LLC;
3. Litigation costs of \$81,907.02 (including \$1000 held in escrow to pay additional costs incurred by Petitioner in closing the estate, the remainder of which will be distributed to Edith Hernandez).

(Dkt. No. 88 at 2); (Dkt. No. 88-2 at 2). Petitioner requests that \$332,500 of the settlement be allocated toward the Wrongful Death Claim and that \$17,500 be allocated toward the Survival Claim. (Dkt. No. 88 at 2).

During the hearing, Petitioner explained that while there were no medical liens, Southern Skill Trades, Inc. and American Longshore Mutual Association, Ltd., Group Mutual Insurer (the "Lienholders") held a lien in the amount of \$163,128.37 on the proceeds of this action or any settlement in this action, pursuant to a settlement of a related claim for benefits under the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901, *et seq.* (*Id.* at 3). Lienholders have agreed to collect only \$50,000 from this settlement. (*Id.*). Petitioner states she is not aware of any other creditors of the Estate. (*Id.*).

Further, Petitioner testified under oath that the proposed settlement was fair and reasonable and in the best interests of the estate.

Considering the above, the Court finds that the petition satisfies the requirements of S.C. Code Ann. § 15-51-42 and that the proposed settlement is fair and reasonable under the circumstances and is in the best interests of the Estate of Decedent. Consequently, the Court hereby **APPROVES** the proposed settlement, (Dkt. No. 88). This action is **DISMISSED WITH PREJUDICE**.

AND IT IS SO ORDERED.

s/ Richard M. Gergel
Richard M. Gergel
United States District Judge

May 26, 2023
Charleston, South Carolina